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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,589	02/25/2002	Tadaaki Yoneda	02860.0704	8702

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EXAMINER

YE, LIN

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,589

Applicant(s)

YONEDA, TADAAKI

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to amended claims 12 and 14-17 filed on 5/31/05 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 12, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa U.S. Patent 6,470,413 in view of Helms et al. 6,344,874.

Referring to claim 12, the Ogawa reference discloses in Figures 1-2 and 7-8, a digital still camera, comprising: an image-capturing section (CCD sensor 2 and A/D converter, See Col. 4, lines 45-50) for outputting electric signals from a picked-up image to generate image data; a camera controller including a CPU (5, See Col. 4, lines 52-53); a memory (a Flash ROM

15, See Col. 5, lines 3-5) including a first storing region for storing a camera control program (e.g., camera firmware data) required for the CPU and a second storing region for storing said image data separately from camera control data specific to the digital still camera (e.g., one part of the Flash ROM is employed to store firmware for the digital camera, see Col. 7, lines 29-33. The firmware of the camera including types of CPU program and difference software of a camera for compensate for a difference between cameras, see Col. 9, lines 19-21 and lines 35-36; and when the external storage medium 17 is not connected to the camera, the image data set is stored in the flash ROM 15, see Col. 5, lines 35-40. This can be considered as the flash ROM 15 has two sections, first section is camera adjusting-data section and second section is image data set memory section), wherein the camera controller (CPU 5) is adapted to read out the camera control program (camera firmware) in the first storing region while writing or erasing image data in the second storing region (See Col. 5, lines 3-6 and lines 24-43). However, the Ogawa reference does not explicitly states the camera control program (camera firmware) is whether or not recorded during a manufacturing process.

The Helms reference teaches in Figure 1, a camera includes a processor which can and is used to control exposure, timing, aperture, and such typically the processor is preprogrammed at the **manufacture** with its **own firmware** (See Col. 4, lines 66-67 and Col. 5, lines 1-3). The Helms reference is evidence that one of ordinary skill in the art at the time to see more advantages the firmware (control program) is recorded during a manufacturing process so that making sure the firmware is specifically for your camera model and manufactures may offer firmware updates that fix camera problems found after its release

easily. For that reason, it would have been obvious to one of ordinary skill in the art to modify the camera system of Ogawa ('413) by preprogramming the camera at the manufacture with its own camera control program as taught by Helms ('874).

Referring to claim 14, the Ogawa reference discloses wherein first storing region and the second storing region each include a plurality of storage units as shown in Figures 2, 8 and 10 (a plurality of blocks as storage units in the memory, see Col. 7, lines 40-50).

Referring to claim 15, the Ogawa reference discloses wherein said memory (Flash ROM memory 15) is a non-volatile memory (e.g., noted that it is well known the Flash ROM is a non-volatile memory).

5. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa U.S. Patent 6,470,413 in view of Helms et al. 6,344,874 and Fichtner et al. U.S. Patent 6,360,362.

Referring to claims 16 and 17, the Ogawa and Helms references disclose all subject matter as discussed with respect to claim 12, and the Ogawa reference shows an interface (Comm. I/F 19) for connecting to a personal computer (22) as shown in Figure 1. However, the Ogawa reference does not explicitly show the camera firmware includes a boot program for the CPU, and wherein the first storing region is adapted to store the firmware for installation in the personal computer via the interface.

The Fichtner reference teaches in Figures 1 and 8-9, a method of updating firmware between a camera (10) and a personal computer (20) (the camera is adapted to store the firmware for installation in the personal computer via the interface, see Col. 3, lines 53-65);

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and the firmware includes a boot program area for the CPU (See Col. 6, lines 36-47, and it also should be noted that the boot program of firmware was known and called Open firmware, formally described by IEE Standard 1275-1994 used on any CPU). The Fichtner reference is evidence that one of ordinary skill in the art at the time to see more advantages the firmware (control program) includes a boot program and the section of memory to store the firmware for installation in the personal computer via the interface so that the firmware update is performed automatically and simplifying the user while ensuring compatibility between the camera and the personal computer software (See Col. 2, lines 25-35). For that reason, it would have been obvious to one of ordinary skill in the art to modify the camera system of Ogawa ('413) by providing the firmware (control program) that includes a boot program, and the section of memory to store the firmware for installation in the personal computer via the interface as taught by Fichtner ('362).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lin Ye
July 26, 2005


DAVID L. OMETZ
PRIMARY EXAMINER